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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 4612 OF 2006

Deepak Patil . . . Applicant

Vs.

State of Maharashtra & Ors. . . Respondent

Mr. S. A. Ingawale for the applicant.

Ms. R. M. Gadhavi, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 9, 2007.

P.C.

. Heard Mr. S.A. Ingawale, the learned counsel for the applicant and Ms. R. M. Gadhavi, the learned APP for the State. The applicant seeks to be released on bail in Crime No. 54 of 2006, registrered with Vadgaon Police Station, Kolhapur, for the offences punishable under S. 302, 201, 120-B of I.P.Code.

2. The offences appears to have been registed, on the basis of report lodged by the police Inspector Sunil Mahadik, of Local Crime Branch, Sangli. It reveals that Rajendra Salunkhe and Jayant Shetti were having

revolver and some cartridges and the offences under the Arms Act were registered against them. During the interrogation it was revealed that they, with the help of present applicant and 4-6, had administered poison to one Bandu Mulla on 21-3-2005 and had committed the murder. It appears that since 23-1-2005 said Mulla was missing and his dead body was found on the next day. Post mortem report did not reveal any external or internal injury. Viscera was referred to the Chemical Analyser, but as per the C.A. report, no poison was revealed in the same. The offence in this case came to be registered on 4-5-2006 on the basis of report of the Inspector. The learned APP conceds that except the statement made by Rajendra Salunkhe and Jayant Shetty before the police about the murder of Bandu Mulla by themselves and the present applicant, there is no other evidence available. She states that none of those 2 persons have made any confessional statement before the Magistrate, nor any of them is made approvea in the matter. In the similar circumstances, another accused namely Sanjay Laxman Chavan has been granted bail by this Court on 2nd December

2006.

3. For the aforesaid reasons, applicant is granted bail in the same of Rs. 20,000/- with one surety in like amount, with condition that he shall not tamper with the prosecution evidence.

Sd/-
[J. H. BHATIA, J.]